

REMARKS

Upon entry of this amendment, claims 12, 24 and 36 are all the claims pending in the application. Claims 1-11, 13-23 and 25-35 have been canceled by this amendment.

I. Objection to the Drawings

The Examiner has objected to the drawings for the reasons set forth on page 2 of the Office Action. In particular, the Examiner asserts that “the region, on which the dummy data is recorded, located adjacent before a sector from which data recording is started and in the vicinity of the most inside area in each of a plurality of zones having a different rotational speed of the disc at data reproduction” is not shown in the drawings. Applicants note that this feature has been canceled from the claims. Accordingly, Applicants kindly request that the objection to the drawings be reconsidered and withdrawn.

II. Objection to the Specification

The Examiner has objected to the title of the invention for the reasons set forth on page 3 of the Office Action. Applicants have amended the title in a manner to overcome this objection. In addition, Applicants note that the specification and abstract have been amended to include editorial amendments made for grammatical and general readability purposes. No new matter has been added.

Based on the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the specification.

III. Claim Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 9, 11, 12, 21, 23, 24, 33, 35 and 36 under 35 U.S.C. § 112, second paragraph as being indefinite.

With regard to claims 9, 11, 21, 23, 33 and 35, Applicants note that these claims have been canceled by this amendment. With regard to claims 12, 24 and 36, Applicants have amended these claims so as to provide proper antecedent basis for the limitations noted by the Examiner.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

IV. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 4-6, 8, 11-13, 16-18, 20, 23-25, 28-30, 32, 35 and 36 under 35 U.S.C. § 102(b) as being anticipated by Koishi et al. (U.S. 5,850,382). As noted above, claims 1-11, 13-23 and 25-35 have been canceled.

Claim 12, as amended, recites the features of recording dummy data adjacent after each block included in the contents; and recording dummy data on a region adjacent after a region having dummy data recorded thereon which is adjacent after the final block included in the contents; wherein the dummy data recorded adjacent after the region having dummy data recorded thereon which is adjacent after the final block included in the contents is longer than the dummy data recorded adjacent after each block included in the contents. Applicants respectfully submit that Koishi fails to disclose or suggest at least these features of claim 12.

Koishi discloses an optical disk in which dummy data is recorded on sectors 71 and 72 (see Fig. 9). As shown in Fig. 9, dummy data is recorded on sector 71 in the read-only area 3 of the disk at the junction with the rewritable area 5 (see col. 20, lines 56-59). Similarly, dummy data is also recorded on sector 72 in the read-only area 2 at the junction with the rewritable area 5 (see col. 20, lines 59-60).

In the Office Action, the Examiner alleges that Koishi discloses that the dummy data in sector 72 has a length of several sectors while the dummy data recorded adjacent after each block included in the contents is shown as having a length of zero (see Office Action at page 6). As Koishi does not disclose dummy data after each block included in the contents, it appears as though the Examiner is alleging that an absence of dummy data corresponds to dummy data having a zero length.

Applicants disagree with the Examiner's position and respectfully submit that the absence of dummy data cannot correspond to dummy data with zero length. However, in an effort to expedite prosecution, claim 12 has been amended to positively recite the features of recording dummy data on a region adjacent after each block included in the contents, and recording dummy data on a region adjacent after a region having dummy data recorded thereon which is adjacent after the final block included in the contents.

Therefore, as Koishi does not disclose or suggest recording dummy data in these regions, Applicants respectfully submit that claim 12 is patentable over Koishi. Further, as Koishi fails to disclose or suggest recording dummy data on a region adjacent after each block included in the contents, and recording dummy data on a region adjacent after a region having dummy data

recorded thereon which is adjacent after the final block included in the contents, Applicants submit that Koishi also fails to disclose or suggest that dummy data recorded adjacent after the region having dummy data recorded thereon which is adjacent after the final block included in the contents is longer than dummy data recorded adjacent after each block included in the contents, as recited in amended claim 12.

In view of the foregoing, Applicants submit that claim 12 is patentable over Koishi, an indication of which is respectfully requested. Regarding claims 24 and 36, Applicants note that these claims have been amended so as to recite similar features as discussed above regarding claim 12. Accordingly, Applicants submit that claims 24 and 36 are patentable for similar reasons as discussed above with respect to claim 12.

V. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has set forth the following rejections under 35 U.S.C. § 103(a):

- a. Claims 1-6, 8, 13-18, 20, 25-30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroda et al. (U.S. 6,252,838) in view of Koishi et al. (U.S. 5,850,382);
- b. Claims 1, 7, 13, 19, 25 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroda et al. in view of Takemura et al. (U.S. 5,923,640);
- c. Claims 9, 21 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroda et al. and Koishi et al., and further in view of Takahashi (U.S. 5,878,020); and
- d. Claims 10, 22 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koishi et al. in view of Mine (U.S. 5,966,358).

As noted above, claims 1-11, 13-23 and 25-35 have been canceled by this amendment, thereby rendering the above noted rejections moot.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Mamoru SHOJI et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

By: Kenneth W. Fields
Kenneth W. Fields
Registration No. 52,430
Attorney for Applicants

KWF/kes
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 2, 2004